



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 211 (as reported without amendment)
Sponsor: Senator Tory Rocca
Committee: Judiciary

CONTENT

The bill would amend the Worker's Disability Compensation Act to include respiratory tract, bladder, skin, brain, kidney, blood, thyroid, testicular, prostate, and lymphatic cancers as a "personal injury" for certain firefighters.

The Act establishes benefits for personal injury sustained by an employee in the course of his or her employment. "Personal injury" refers to a disease or disability that is due to causes and conditions that are characteristic of and peculiar to the business of the employer and that arises out of and in the course of employment. Under the bill, for a member of a fully paid fire department or public fire authority who was employed for at least 60 months, "personal injury" would include all respiratory tract, bladder, skin, brain, kidney, blood, thyroid, testicular, prostate, and lymphatic cancers. This would apply only to a member of a fully paid fire department or public fire authority who was in the department's or authority's active service, had been in active service for at least 60 months at the time the cancer manifested itself, and was exposed to the hazards incidental to fire suppression, rescue, or emergency medical services in the performance of his or her work-related duties.

The specified cancers in a member of a fully paid fire department or public fire authority would be presumed to arise out of and in the course of employment in the absence of affirmative evidence of nonwork-related causation or specific incidents that established a cause independent of the employment.

The cancer could be shown not to arise out of and in the course of employment if a party introduced scientific evidence that the person was a substantial and consistent user of cigarettes or other tobacco products within the 10 years immediately preceding the date of injury, and that that use was a significant factor in the cause, aggravation, or progression of the cancer.

MCL 418.405

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State government.

The bill would increase the cost of worker's compensation benefits of local governments by an unknown amount. The expansion of health conditions for firefighters that are presumed to be work-related would tend to increase the costs of worker's compensation paid by local governments.

Date Completed: 4-24-13

Fiscal Analyst: Josh Sefton